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2. The petitioners have prayed for quashing of process issued against them in Criminal Case No. 237/SS/04 which is pending in the Court of learned Metropolitan Magistrate, 39th Court, Vile Parle, Mumbai. In the said case, process has been issued against the petitioners under Section 381 r.w. 471 of Mumbai Municipal Corporation Act.

3. It may be stated here that the petitioners had earlier preferred an application before the learned Magistrate for recalling of process. The said application came to be rejected. Being aggrieved by the order of the learned Magistrate, the petitioners preferred revision before the Sessions Court. The Sessions Court observed that in view of the judgment of the Apex Court in the case of **Adalat Prasad Vs. Rooplal Jindal & Ors. 2004 (4) Mh.L.J. 274**, the order of the Magistrate does not suffer from any irregularity and on this ground the revision came to be dismissed.

4. However, for the reasons recorded in my order dated 13.6.2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21.6.2005 passed in Criminal Application No. 550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

5. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. Ad interim relief granted earlier by this Court by order dated 20.4.2005 is extended by four weeks from today.

The learned advocate for the respondent No.2 fairly states that he will not raise any objection in respect of delay in filing revision before the concerned Sessions Court. Learned advocate for the petitioners states that he shall give five days advance notice to the Corporation in respect of filing of revision before the concerned Sessions Court. It is made clear that the revision shall be preferred in respect of the order of the Magistrate issuing process against the petitioners and not in respect of order of the Magistrate rejecting the application of the petitioners for recalling of process.

6. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

7. Office to issue an authenticated copy of this order to the parties.

8. Criminal writ petition is disposed of.
